

## **DECLARATION of SEAN CUMMINGS**

I, Sean Cummings, do hereby declare:

### **BACKGROUND/EXPERIENCE**

1. I am a Special Agent (SA) with the Drug Enforcement Administration (DEA) and have been since 1999. Prior to this, I was a Police Officer and Detective at the Eureka Police Department in Eureka, California. My current assignment is at the Eugene Resident Office in Oregon. My training and experience includes completion of the DEA basic training academy. This training included the investigation, detection, and identification of controlled substances. I have consulted and conversed with several other agents and officers from various local, state, and federal agencies on various drug cases, including the distribution of heroin, cocaine, methamphetamine, marijuana and other controlled substances. As a result of this and my own experience and training, I am familiar with heroin, cocaine, methamphetamine, marijuana other controlled substances and the methods employed by traffickers of these narcotics.

### **PURPOSE OF THIS DECLARATION**

2. This declaration is submitted in support of a complaint *in rem* for forfeiture of the property located at 91302 Poodle Creek Road, Noti, Oregon.

A tract of land situated at 91302 Poodle Creek Road, Noti, Lane County, Oregon more fully described as approximately 1.56 acre parcel that contains an 1988 Marlette Mobile home that is 27 foot by 48 foot, as well as several outbuildings. The residence is a grey and the front door faces East. The entrance to 91302 Poodle Creek Road is marked with the metal address post with the numbers "91302" on it. To the North and West of the grey residence are 4 shops of varying size and colors. The property is located on the West side of Poodle Creek Road between Fisk Road and Highway 36. According to the Lane County real property tax statement the property is at Map and Tax Lot: 16-06-32-00-00901, under account number 1160199 and is listed as owned by Yu Saishuo. (hereinafter "Subject Property").

3. In this declaration I will demonstrate, based on the evidence I have reviewed, that there is probable cause to believe, and I do believe that the Subject Property was used or intended to be used to facilitate the illegal production, conversion, and distribution of marijuana, and in violation of Title 21, United States Code, Section 841, 846, and 856, and is therefore subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(7).

4. The facts in this declaration come from my personal observations, my training and experience, and information obtained from other agents, deputies, and officers. This declaration is for the limited purpose of establishing probable cause. Therefore, I have not set forth each fact learned during the investigation, but only those facts and circumstances necessary to establish probable cause.

#### **REAL PROPERTY ASSESSMENT REPORT**

5. The Lane County Assessor's Summary Report for 2022 shows that Yu Saishuo is the owner for the Subject Property at 91302 Poodle Creek Road, Noti, Oregon. Poodle Creek is 1.56 acres. The mailing address in law enforcement databases for Yu Saishuo is 91302 Poodle Creek, Noti, Oregon. Additional law enforcement databases also show 138 Elmira Street San Francisco, California as a residence for Yu Saishuo.

#### **SUMMARY OF THE INVESTIGATION**

6. In August of 2022 the Lane County Sheriff's Office (LCSO) received an anonymous tip regarding the strong odor of marijuana coming from the address of 91302 Poodle Creek Road, Noti, Lane County, Oregon. On September 2, 2022, Lt. Robert Holmes and Assistant Chief Randy Wood from Lane Fire Authority (LFA) responded to the address for a structure fire. LCSO Sgt. Combs along with Deputy Ben Conway also responded to the location but remained on Poodle Creek Road.

7. Assistant Chief Wood spoke with Combs and Conway reporting that this wasn't a structure fire but a debris fire. Assistant Chief Wood told them the property was littered with marijuana root wads and potting soil, which was also observed by Lt Holmes. Assistant Chief Wood told LCSO that they spoke with Bin Li, the only person on the property during the fire. Wood and Holmes reported that there was a large building behind the main residence that had vents and fans visible.

8. Lt. Holmes told Combs and Conway that he lives just down the road and stated the property had been a marijuana grow for a while now and the neighbors all complain about the smell. In further conversation with Holmes law enforcement learned that Holmes's father owned this property previously.

9. On September 19, 2022, another neighboring landowner who wished to remain confidential called in to complain about the marijuana grow. That neighbor stated that he/she had observed California plated vehicles come and go from the property and stated the odor of marijuana was very strong most of the time. This individual offered the information freely without consideration by reporting through normal channels and calling in to LCSO Dispatch to report the potential commercial grow. Detectives put this information together with the other information provided by LFA and deemed it to be reliable information.

10. On October 31, 2022, Detective Arik Schenfeld from LCSO emailed the Oregon Liquor and Cannabis Commission and the Oregon Medical Marijuana program and learned the Poodle Creek address was not in their databases as a registered marijuana grow site.

11. Sgt. Combs and Detective Schenfeld were in the area and observed a silver minivan bearing Oregon License Plate 222 NKE, turn onto Poodle Creek from Hwy 36. They knew the van to be registered to Bin Li, the person contacted by LFA on September 2, 2022.

The van was heavily weighted down and appeared overloaded. They observed the van turn into the driveway of 91302 Poodle Creek and later appeared to go onto the property and was not visible from the front of the residence leading them to believe it was up near one of the large out-buildings. About ten minutes later they observed the van preparing to leave the property again. Upon exiting the gate, they saw Bin Li locking the gate with the van momentarily parked. The gate was locked nearly each time they checked. Sometimes the gate had the lock on the outside and sometimes the lock was on the inside when it was suspected that Li was home.

12. On November 8, 2022, LCSO received power and subscriber information from Blachly Lane Power Company. It showed the following Kilowatt Hour usage for the past 6 months:

May 2022 – 29,793 kw for the shop/ 4,540 kw for the residence

June 2022 – 27,504 kw for the shop/ 3,552 kw for the residence

July 2022 – 35,458 kw for the shop/ 5,982 kw for the residence

Aug 2022 – 30,817 kw for the shop/ 5,188 kw for the residence

Sept 2022 – 31,639 kw for the shop/ 3,847 kw for the residence

Oct 2022 – 28,611 kw for the shop/ 5,654 kw for the residence

13. Power use increased on the property in June of 2021 and stayed high from that time forward. After viewing the property, law enforcement believe that the first 6 months between January and June were used to construct and outfit the grow rooms.

14. On November 18, 2022, LCSO and the Drug Enforcement Administration (DEA) executed a state search warrant at the Subject Property to search for evidence of illegal marijuana production and distribution. During the execution of the warrant, they contacted and detained Bin Li, Guocho Situ and Meiying Situ.

15. During the execution of the warrant 1600 growing marijuana plants were seized and later destroyed. All of the outbuildings had been converted into growing and drying areas. A total of \$3,661 in United States Currency was located in the mobile home and seized along with a rifle.



PHOTOGRAPH OF MARIJUANA CULTIVATION OPERATION IN ONE ROOM

16. Li and the Situ were interviewed using a Chinese interpreter. Li admitted to growing and selling the marijuana on the property. Li said he was invited up to help fix a fence by Yu Saishuo, and when he arrived the grow rooms were already set up. Li said he believed Yu Saishuo had two others that were supposed to grow the marijuana, and they didn't arrive, so he took over the location. Li admitted to driving on "Highway 5" to sell the marijuana but when asked how far on "Hwy 5" he travelled he said, "I don't want to answer that because it may get me in more trouble" This indicated to Law Enforcement that Li did not want to admit to

crossing state lines with the marijuana. Li admitted that Yu Saishuo owned the property and had been on the property this past summer. A check book with the name Jian Qi was located, which had pre-signed checks filled out to Blachly Lane for the electric. When asked, Li stated that Jian Qi was a friend, and he was a partner with Yu Saishuo. Li told us that he did not pay rent for the property. Li admitted that he knew the growing and selling of marijuana was illegal without the proper permits.

17. Guocho Situ said that Bin Li was his boss, and Bin had a different boss. Situ told law enforcement that he was offered \$5000 per month by a friend in California to grow marijuana at the location. Situ told us he knew it was illegal, but he needed the work.

### CONCLUSION

18. The evidence in this declaration provides probable cause to believe, and I do believe that the Subject Property was used or intended to be used to facilitate the illegal production, conversion, and distribution of marijuana, in violation of Title 21, United States Code, Section 841, 846, and 856, and is therefore subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(7).

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

Executed this 7th day of February 2023.

s/ Sean Cummings  
SEAN CUMMINGS  
Special Agent  
Drug Enforcement Administration